



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 1, 1998

Mr. William M. Toles  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-1571

Dear Mr. Toles:

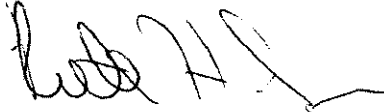
You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116187.

The Dallas Police Department (the "department") received a request for a copy of a store surveillance videotape concerning a multiple murder case. You assert that the videotape is protected from disclosure pursuant to section 552.108 of the Government Code. However, you did not timely seek a decision from this office. The Open Records Act imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten business days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. See Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. See, e.g., Open Records Decision No. 150 (1977) (presumption of openness overcome by showing that information is made confidential by another source of law or affects third party interests).

You received the request for information on March 25, 1998. You did not seek a decision from this office until April 9, 1997. Consequently, you have not met your statutory burden of timely requesting a decision from this office. Gov't Code 552.301. As you have not shown a compelling interest in withholding the videotape, it is presumed public and must be disclosed. See Open Records Decision No. 586 (1991).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 116187

Enclosures: Submitted documents

cc: Mr. Robert Stagnaro  
Fall Line Productions  
8899 Beverly Boulevard, Suite 812  
Los Angeles, California 90048  
(w/o enclosures)